

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.12.2016

Coram

The Hon'ble Mr. Justice **S.M.SUBRAMANIAM**

**C.R.P.(PD) No.1337 of 2013 &**  
**M.P.No.1 of 2013**

C.Palani

.. Petitioner

Vs

Damodharan

.. Respondent

**Prayer :-** Civil Revision Petition filed under Article 227 of the Constitution of India as against the order and decretal order as made in I.A.No.18 of 2013 in O.S.No.25 of 2008 dated 02.02.2013 on the file of the District Munsif Court, Harur, Dharmapuri District.

For petitioner .. Mr.P.K.Harinath Babu  
for Mr.R.Karthikeyan

For Respondent .. Mr.P.Valliappan

**ORDER**

The present Civil Revision Petition has been filed challenging the order passed in I.A.No.18 of 2013 in O.S.No.25 of 2008 dated 02.02.2013, by the file of the District Munsif Court, Harur, Dharmapuri District.

2.The defendant is the petitioner before this Court. After the commencement of the trial, the petitioner / defendant filed I.A.No.18 of 2013, requesting the Court for appointment of an Advocate Commissioner to verify the meets and bounds of the Suit scheduled property.

3.It is to be seen that there is no dispute in the Suit with regard to the identification of the property. When there is no such dispute with regard to the said issue, the trial Court is right in rejecting the Interlocutory Application, seeking appointment of an Advocate Commissioner. The trial Court in its findings has categorically found that already the evidences on the side of the plaintiff and marking of documents were completed and therefore, the petitioner/ defendant has filed the Interlocutory Application only to delay the Suit. Such

being the findings of the trial Court, this Court is not inclined to interfere with the order passed by the trial court.

4.The learned counsel for the respondent urged this Court by stating that as the Suit is of the year 2008, necessary directions may be issued to the trial Court for early disposal of the Suit.

5.In the result, the Civil Revision Petition fails and the same is dismissed. However, considering the representation made by the learned counsel appearing for the petitioner, the trial Court is directed to dispose of the Suit, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

**09.12.2016**

rpa

To

The learned District Munsif,  
Harur, Dharmapuri District.

**S.M.SUBRAMANIAM, J.  
Rpa**

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